

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

ANTHONY T. LEE, et al.,	)	
Plaintiffs,	)	
	)	
UNITED STATES OF AMERICA,	)	
Plaintiff-Intervenor	)	
and Amicus Curiae,	)	
	)	
NATIONAL EDUCATION ASSOCIATION, INC.,	)	CIVIL ACTION NO.
Plaintiff-Intervenor,	)	3:70cv846-T
	)	(WO)
v.	)	
	)	
MACON COUNTY BOARD OF EDUCATION, et al.,	)	
Defendants.	)	

**UNITED STATES RESPONSE TO MACON COUNTY BOARD OF  
EDUCATION’S PETITION FOR EXPEDITED APPROVAL TO CLOSE TWO  
SCHOOLS AND FOR THE OPENING OF A NEW ELEMENTARY SCHOOL**

The United States has reviewed the petition of the Macon County Board of Education (“Board”) to close the South Macon and the Washington Public Elementary Schools, as well as the concerns raised in the response of the Lee plaintiffs/National Education Association plaintiff intervenors (hereinafter, “Lee plaintiffs”) and in the complaint in intervention. The Lee plaintiffs’ concerns are understandable and could have been avoided had the Board filed its petition prior to beginning construction a new elementary school. The United States has also considered the objections of the South Macon community regarding the loss of their school as articulated in the complaint in intervention and supporting documents. Notwithstanding these concerns and for the reasons stated below, the United States does not object to this Court granting the Board’s petition.

The Board has presented sound educational and financial reasons for its actions. Given the demographics of the two elementary schools designated for closure, the actions proposed by the Board will have no impact on desegregation. It is always difficult to close a school in a community,

and the United States is sympathetic to the concerns voiced by those seeking to intervene on this matter. Nonetheless, there does not appear to be any legal basis for opposing the construction proposal, and the United States does not object to this Court granting the Board's petition.

Respectfully submitted this 1<sup>st</sup> day of August, 2005.

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United States Attorney

BRADLEY J. SCHLOZMAN  
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/s/Pauline A. Miller  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of August, 2005, I electronically served the foregoing *Response of the United States to Macon County Board of Education's Petition for Expedited Approval* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Deborah Hill Biggers (counsel for Macon County Board of Education); Fred D. Gray Jr., (counsel for Lee plaintiffs and NEA plaintiff-intervenor); Norman J. Chachkin (counsel for Lee plaintiffs); Reginald Sorrells (counsel for the Alabama State Department of Education); Lateefah Muhammad (counsel for applicant plaintiff-intervenors).

/s/Pauline A. Miller

Pauline A. Miller